

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 6, 2011.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting November 15 and special meeting November 22, 2011; bills and payroll for the last half of November, 2011 and HOME Rehab Expenditures.

Bills and Payroll for the last half of November, 2011

General Fund

Payroll		\$	302,788.76
Bills		\$	594,546.73
	Total	\$	897,335.49

Hotel Tax Fund

Payroll		\$	1,699.99
Bills		\$	1,126.23
	Total	\$	2,826.22

Festival Mgmt Fund

Bills		\$	21,906.55
	Total	\$	21,906.55

Insurance & Tort Judgment

Bills		\$	40,096.00
	Total	\$	40,096.00

Midtown TIF Fund

Bills		\$	13,285.45
	Total	\$	13,285.45

Capital Project Fund

Bills		\$	247,501.43
	Total	\$	247,501.43

Water Fund

Payroll		\$	28,834.21
Bills		\$	643,028.15
	Total	\$	671,862.36

Sewer Fund

Payroll		\$	31,200.02
Bills		\$	60,128.84
	Total	\$	91,328.86

Motor Fuel Tax Fund

Bills		\$ 15,100.91
	Total	\$ 15,100.91

Health Insurance Fund

Bills		\$ 165,709.86
	Total	\$ 165,709.86

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS & COMMUNICATIONS

- Public comments/presentations and non-agenda items

Mayor Gover opened the floor for public comments or questions with no responders.

Proclamation – Drunk/Drugged Driving Prevention Month

Clerk O'Brien read the following proclamation:

**National Drunk and Drugged Driving (3D) Prevention Month
December 2011**

WHEREAS, motor vehicle crashes killed 927 people in Illinois during 2010; and

WHEREAS, hundreds of those deaths involved a driver impaired by alcohol and/or drugs; and

WHEREAS, the December holiday season is traditionally one of the most deadly times of the year for impaired driving; and

WHEREAS, for thousands of families across the state and the nation, these holidays are a time to remember loved ones lost; and

WHEREAS, organizations across the state and the nation are joined with the ***Drive Sober or Get Pulled Over*** and other campaigns which foster public awareness of the dangers of impaired driving and anti-impaired driving law enforcement efforts; and

WHEREAS, the community of Mattoon is proud to partner with the Illinois Department of Transportation's Division of Traffic Safety and other traffic safety groups in that effort to make our roads and streets safer.

NOW, THEREFORE, I, Timothy D. Gover, do hereby proclaim December 2011 as ***Drunk and Drugged Driving (3D) Prevention Month*** in the City of Mattoon, Illinois and do hereby call upon all citizens, government agencies, business leaders, hospitals and health care providers, schools, and public and private institutions to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, and to promote safer and healthier behaviors regarding the use of alcohol and other drugs this December holiday season and throughout the year.

(SEAL)

/s/ Timothy D. Gover
Timothy D. Gover, Mayor

Date November 14, 2011

NEW BUSINESS:

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1274, approving the promotion of Sean Junge to Assistant Chief and the promotion of Denny Kingery to Shift Captain, effective December 7, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Assistant Chief Junge's presence was acknowledged with congratulations.

Commissioner Hall seconded Commissioner Rankin moved to approve Council Decision Request 2011-1275, authorizing the hiring of Donald Seibert as probationary firefighter due to the resignation of Doug Cole.

Mayor Gover opened the floor for discussion. Commissioner Ervin clarified his opposition to the CDR with no disrespect to the Fire Department and noted the approval of the reorganization, questioning the staffing level with other department reductions. Commissioner Hall rebutted with the reduction of personnel over the last eight years while increasing significant duties and contractual requirements.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, NAY Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Special Ordinance 2011-1465, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and E. David & Janet Walker Young and Jan & Terry Kroening reimbursing up to \$80,000 to be disbursed over 10 years in annual payments of \$8,000 from Mid-town TIF Revenues for code updates and facade improvements to property located at 1624 and 1626 Broadway Avenue.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2011-1465

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND, JAN AND TERRY KROENING IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, Jan and Terry Kroening (the "**Grantees**"), has submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Mid-town Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantees have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantees, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
 Commissioner Hall, Commissioner Rankin,

NAYS (Names): Mayor Gover
ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion. Council discussed the approval at the last council meeting and the need for an approved grant agreement at this meeting.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Becker seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1466, declaring a Public Works Department vehicle and equipment as surplus property and authorizing the sale or disposal by any means necessary.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE: 2011-1466

**A SPECIAL ORDINANCE DECLARING THE PERSONAL PROPERTY OWNED BY THE MUNICIPALITY
SURPLUS AND AUTHORIZING THE DISPOSAL**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES
COUNTY, ILLINOIS**, as follows:

Section 1. Supplies and equipment identified on Exhibit A to this ordinance are hereby declared surplus to the needs of the City of Mattoon.

Section 2. The City of Mattoon, Illinois does not express any warranty nor imply any statement of condition of this surplus property. The Public Works Superintendent is hereby authorized to advertise the equipment for sale by the most advantageous means and to negotiate the conditions for their sale with any interested parties; recycle, or otherwise destroy the property without further formal consideration or approval by the City Council.. The City of Mattoon shall reserve the right to accept or reject any and/or all offers for this property. Upon no offer for any of the items listed on Exhibit A, the Public Works Superintendent is authorized to dispose by any means necessary.

Section 3. The Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the disposal of the property.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Becker, seconded by Commissioner Ervin, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance 2011-1467, granting a front-yard setback variance and intensity of use variance to allow construction of a new front porch at 704 South 33rd Street. Petitioners – Mike E. & Mary Ellen Martin

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011-1467

**AN ORDINANCE GRANTING A VARIANCE FROM THE FRONT YARD SET BACK REQUIREMENT AND THE
INTENSITY OF USE AT 704 SOUTH 33RD STREET**

WHEREAS there has been filed a written Petition by Mike and Mary Ellen Martin for a variance, respecting the property legally described as:

The South 57 feet of the North 120 feet of Lot 3 in Block 191 in Noyes Addition to the City of Mattoon.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of an addition to the house that encroaches into the front yard setback on the west side of the property located at 704 South 33rd St., and which will reduce the front yard setback on the west side from the required 25 feet to 16 feet; and

WHEREAS said petition also requests that a variance be granted pursuant to applicable ordinances of the municipality to allow for the construction of a 25 feet by 25 feet accessory building in which the intensity of use of the lot would be increased from 30% to 37%; and

WHEREAS the Planning Commission for the City of Mattoon held a properly noticed, public hearing on November 22nd, 2011 regarding petitioners' request for said variance; and

WHEREAS the Planning Commission for the City of Mattoon has recommended that the requested variances be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the front yard setback requirement to enable the construction of an addition to the house which will reduce the front yard setback from the required 25 feet to 16 feet.

Section 2. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the intensity of use to enable the construction of a 25 feet by 25 feet accessory building in which the intensity of use of the lot would be increased from 30% to 37%.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2011-1276, approving a \$6,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the American Legion Post 88 Baseball for hosting the Jr/Sr Legion Baseball Firecracker Tourney on June 25 through July 1, 2012.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1277, approving a grant by the Tourism Advisory Committee from hotel/motel tax funds to be disbursed in FY2012 for the purpose of actual motel costs associated with the event up to the amount of \$12,800 for the duration of the 2012 American Legion State Tournament with negotiated room billing submitted by the hotels to the Mattoon Tourism Department for direct payment; and approving a \$1,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the American Legion Post 88 Baseball for advertising the Senior Legion Baseball State Tournament to be held July 31 through August 4, 2012.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Ervin seconded by Commissioner Rankin moved to adopt Special Ordinance 2011-1468, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2011 and ending April 30, 2012.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011 - 1468**

**AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON,
COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012**

BE IT ORDAINED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

Section 1. Assumed Equalized Assessed Valuation. The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$189,479,868 to \$198,303,723, four and sixty-six tenths percent (4.66%) over the previous fiscal year.

Section 2. Tax Levy. The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2011 and ending April 30, 2012. The total property tax levy extension is attached hereto and marked as "Exhibit A" and incorporated herein by reference.

Section 3. Maximum Rates for Certain Services. If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection and Fire Protection.

Section 4. Tax Abatement for General Obligation Bonds. Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon's General Obligation Bonds, the 2011 tax levy (to be received in 2012) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>	<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2003 Library Refunding Bonds	2004 thru 2013	Special Ordinance 2003-936
Series 2003A Pension Obligation Bonds	2004 thru 2013	Special Ordinance 2003-938
Series 2005A Sewer Refunding Bonds	2006 thru 2018	Special Ordinance 2004-1050
Series 2005B Police Refunding Bonds	2006 thru 2019	Special Ordinance 2004-1050
Series 2009A General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5275
Series 2009B General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5276
Series 2011 Water Refunding Bonds	2011 thru 2015	Special Ordinance 2011-5326

The levy for paying principal and interest on these bonds shall only be abated for the 2011 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

Section 5. Amount to be Raised by Tax Levy. The amount to be levied for each purpose is placed in a separate column under the heading "Amount to Raised by Tax Levy", which appears over same being as follows, to wit:

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
General Fund			
General Government	835,503	220,761	614,742
Public Safety	9,447,245	6,752,137	2,695,108

Public Works	1,870,063	1,870,063	-0-
Health & Welfare	999,898	999,898	-0-
Culture & Recreation	967,700	818,972	148,728
Economic Development	130,000	130,000	-0-
Debt Service	707,571	707,571	-0-
Other Financing Uses	<u>1,200,000</u>	<u>1,200,000</u>	<u>-0-</u>
Total General Fund	\$ 16,157,980	\$ 12,699,402	\$ 3,458,578

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	614,742
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	297,456
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	297,456
Parks (65 ILCS 5/11-98-1): 0.075 Limit	148,728
Firemen's Pension (40 ILCS 5/4-118) No Limit	1,084,876
Firemen's Pension (35 ILCS 200/18-185) No Limit	67,493
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>947,827</u>
	\$ 3,458,578

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Other Governmental Funds:			
Library Fund	\$ 487,120	\$ 31,021	\$ 456,099
Motor Fuel Tax Fund	1,383,078	1,383,078	-0-
Hotel & Motel Tax Fund	300,754	300,754	-0-
Festival Management Fund	125,075	125,075	-0-
Mobile Equipment Fund	546,031	546,031	-0-
Insurance & Tort Judgment Fund:	706,468	706,468	-0-
Home Rehabilitation Grant Fund	170,000	170,000	-0-
Revolving Loan Fund	131,500	131,500	-0-
Midtown TIF Fund	197,600	197,600	-0-
East I-57 TIF Fund	6,200	6,200	-0-
South Route 45 TIF District Fund	62,080	62,080	-0-
South Route 45 Business District Fund	43,500	43,500	-0-
Broadway East TIF District Fund	24,000	24,000	-0-
Broadway East Business District Fund	336,500	336,500	-0-
Capital Improvement Fund	<u>\$5,379,320</u>	<u>\$5,379,320</u>	<u>-0-</u>
Total Other Governmental Funds	\$11,917,476	\$11,471,971	\$ 456,099

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 456,099
--	------------

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Enterprise Funds:			
Water Fund	\$ 4,499,491	\$ 4,499,491	-0-
Sewer Fund	<u>5,345,579</u>	<u>5,345,579</u>	-0-
Total Enterprise Funds	\$ 9,845,070	\$ 9,845,070	-0-
All Fund Totals	\$ 37,920,526	\$34,005,849	\$3,914,677

Section 6. The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

Section 7. If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

Section 8. This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner Rankin, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles
County, Illinois

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Ervin moved to adopt Ordinance 2011-5334, approving the amendment to Chapter 114.22 Section (B)(1) of the municipal code regarding Liquor Control of Class B-1 licensing.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5334

AN ORDINANCE AMENDING CHAPTER 114 OF THE MUNICIPAL CODE REGARDING LIQUOR CONTROL

WHEREAS, Chapter 114 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the licensing and control of the sale of alcoholic liquor within the City limits;

WHEREAS, the current ordinance is outdated and in need of updating;

WHEREAS, the City Council desires to have a specific provisions addressed within the liquor control code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Liquor Control. Section §114.22 (B) (1) of Chapter 114 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

114.22(B) Class B Licenses as follows:

- (1) Class B-1 license shall authorize the sale of alcoholic liquor at retail in original package forms on the premises specified, but not for consumption on the premises where sold. ~~The annual fee for such license shall be \$1,000.~~ Not more than ~~four~~ six (6) such licenses shall be issued and outstanding.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Ervin, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, YEA Commissioner Hall

Mayor Gover

NAYS (Names): Commissioner Becker, Commissioner Rankin

ABSENT (Names) None

Approved this 6th day of December, 2011.

/s/ Tim Gover

Tim Gover, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall received clarification of the increase in the number of B-1 licenses by two.

Mayor Gover declared the motion carried by the following vote: NAY Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5335, approving the amendment to Chapter 114.22 Section (D)(2) of the municipal code regarding Liquor Control of Class D-2 licensing.

Mayor Gover opened the floor for discussion. Council discussed the number of licenses, approval process, and need for restrictions on types of businesses allowed to hold a D-2 license. Administrator McLaughlin noted other municipalities with the same proposed language had no issues.

Mayor Gover declared the motion failed with the number of licenses remaining at 17 by the following vote: NAY Commissioner Becker, NAY Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5336, approving the amendment to Chapter 114.22 Sections (F)(3), (4), and (6) of the municipal code regarding Liquor Control of T-1 and T-2 licensing.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5336

AN ORDINANCE AMENDING CHAPTER 114 OF THE MUNICIPAL CODE REGARDING LIQUOR CONTROL

WHEREAS, Chapter 114 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the licensing and control of the sale of alcoholic liquor within the City limits;

WHEREAS, the current ordinance is outdated and in need of updating;

WHEREAS, the City Council desires to have a specific provisions addressed within the liquor control code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Liquor Control. Section §114.22 (F) of Chapter 114 of the Code of Ordinances of the City of Mattoon is hereby amended as follows:

114.22 (F) Class T Licenses as follows:

- (3) Class T-1 and T-2 licenses shall be issued for a specific period of time not to exceed three consecutive days. ~~A Class T-1 license shall be issued for a specific period of time not to exceed three consecutive days. A Class T-2 license shall be issued for a specific period of time not to exceed 24 consecutive hours.~~
- (4) No applicant or licensee shall be issued more than three (3) ~~one~~ Class T-1 or three (3) ~~one~~ Class T-2 license in any one calendar year.
- (6) (f) Any portion of a Class T-1 and T-2 licensed event held outside shall cease operations at midnight.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion or comments with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Ervin moved to adopt Ordinance 2011-5337, approving initial liquor fee amendments to Chapter 114.22 of the municipal code regarding Liquor Control.

Mayor Gover opened the floor for discussion. Commissioner Hall requested clarification on the applicability to new licenses. Administrator McLaughlin explained new owners of an establishment requiring a new license would pay the initial fee. Attorney Owen explained how businesses previously sold their stocks in order to transfer ownership of the establishment and license. Council discussed changing the ordinance including new license definition, grandfathering clause, and tabling the ordinance. Attorney Owen noted a language amendment could be resolved later in the meeting. [consideration resumed after Special Ordinance 2011-1469/before department reports]

Commissioner Hall seconded by Commissioner Ervin moved to table the motion until later in the meeting.

Mayor Gover declared the motion to table carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5338, approving the removal of liquor license fees from Chapter 114 of the municipal code regarding Liquor Control.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5338**

AN ORDINANCE AMENDING CHAPTER 114 OF THE MUNICIPAL CODE REGARDING LIQUOR CONTROL

WHEREAS, Chapter 114 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the licensing and control of the sale of alcoholic liquor within the City limits;

WHEREAS, the current ordinance is outdated and in need of updating;

WHEREAS, the City Council desires to have the liquor license fees added to the Fee Section of the City Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Liquor Control. Sections §114.22, 114.22.1, 114.22.2 of Chapter 114 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

114.22 CLASSIFICATIONS OF LICENSES AND FEES as follows:

(A)

- 1) Class A license shall authorize the sale of alcoholic liquor at retail in original package forms or by the drink on the premises specified, for consumption on or off said premises. Sales in original package form shall be secondary to sales for consumption on the premises of the licensee and shall not for any 30-day period exceed 50% of the total sales of alcoholic beverages for the licensed establishment. ~~The annual fee for such license shall be \$1,200.~~

(B)

- 1) Class B-1 license shall authorize the sale of alcoholic liquor at retail in original package forms on the premises specified, but not for consumption on the premises where sold. ~~The annual fee for such license shall be \$1,000.~~
- 2) Class B-2 license shall authorize the sale of alcoholic liquor at retail by a hotel or bowling alley, for consumption on the premises specified where sold. ~~The annual fee for such license shall be \$1,200.~~ Not more than five such licenses shall be issued and outstanding.

(C)

Class C licenses shall authorize the sale of alcoholic liquor at retail by the drink by a club for consumption on the premises where sold. A Class C license shall be issued only to a club, and applicant therefore must have the qualifications as provided by the laws of the state and this chapter relating to alcoholic liquors. ~~The annual license fee for clubs shall be \$500.~~

(D)

1) Class D-1 license shall authorize the retail sale of beer and wine, only, upon the licensed premises to the general public for consumption in an enclosed structure on the premises only. The principal business of the license shall be the service of food. The licensed premises shall seat not less than 25 customers at any one time. ~~The annual fee for such license shall be \$500.~~ Not more than nine such licenses shall be issued and outstanding.

2) Class D-2 licenses shall authorize the retail sale of beer and wine, only, upon the licensed premises in original packaged forms, but not, for consumption on the premises where sold. ~~The annual fee for such license shall be \$750.~~ Not more than nineteen (19) such licenses shall be issued and outstanding.

(E)

- 1) A Class R license shall authorize the sale of alcoholic liquor by the drink on the premises specified, for consumption on the premises. The principal business of the licensee shall be the business of conducting a "restaurant." ~~The annual fee for such license shall be \$1,200.~~ The number of such licenses to be issued is not limited.

(G)

Class H license shall authorize the licensee to sell alcoholic liquor at retail, by the drink or pitcher only, for consumption on the premises only, in the course of a rental hall business. In the course of this business, the licensee is totally responsible for control of patron in the business premises and the licensee's employees must dispense all alcoholic liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises. ~~The annual fee for such license shall be \$1,000.~~

SECTION 114.22.1 CATERER RETAIL PERMIT

~~(C) — The annual fee for a Caterer Retail Permit shall be \$500.~~

SECTION 114.22.2 OUTDOOR CAFÉ LIQUOR PERMIT

(F) ~~The annual fee for this permit shall be \$100 and~~ This permit shall expire on December 31 of each year.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall received clarification on the removal of fees from the Liquor Control section of the codification to the schedule of fees section of the codification.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Ordinance 2011-5339, approving an amendment to Chapter 35.01 Fees and Charges of the municipal code to provide Liquor Control fees.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5339**

**AN ORDINANCE AMENDING CHAPTER 35 OF THE MUNICIPAL CODE REGARDING FINANCE AND
REVENUE**

WHEREAS, Chapter 35 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the fees and charges related to City permits and licenses;

WHEREAS, the City Council desires to have the liquor license fees added to the Fee Section of the City Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Fees and Charges. Section §35.01 of Chapter 35 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

SECTION 35.01 FEES AND CHARGES as follows:

(A) Liquor Control

Class of License	Fee
A	\$1200
Initial/New License Holder Fee	\$5,000
B-1	
Initial/New License Holder Fee	\$1000
B-2	\$5,000
C	\$1200
D-1	\$500
D-2	\$500
Initial/New License Holder Fee	\$750
R	\$2,500
T-1, T-2	\$1200
Caterer	\$100/day
Outdoor Café	\$500
	\$100

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Mayor Gover

NAYS (Names): Commissioner Rankin

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall clarified this ordinance ties the fees back to the codification.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2011-5340, approving the amendment to Chapter 133 Section 133.12 of the municipal code establishing truancy regulations to provide for the safety and well being of minors of the City of Mattoon.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5340

A TRUANCY ORDINANCE PROVIDING FOR THE SAFETY AND WELL BEING OF MINORS OF THE CITY OF MATTOON

WHEREAS, the City of Mattoon currently regulates behavior of certain conduct as it relates to minors.

WHEREAS, minors enrolled in school's attendance at school reduces risk of teenage parenthood, criminal violations and unemployment; and reduces the risk of school drop out.

WHEREAS, it is in the best interest of the citizens of the City of Mattoon that minor children enrolled in school attend school.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendment. Section 133.12 of Chapter 133 of the Code of Ordinances of the City of Mattoon is hereby enacted as follows:

133.12 TRUANCY

- a) It shall be unlawful for any person under the age of eighteen (18) enrolled in a public, private or parochial school to absent himself or herself from attendance at school without parental permission. Any person who shall so

absent himself or herself shall be guilty of the offense of truancy and be subject to the penalty set forth in the City Code. Emergency or unforeseen absents himself or herself from school without parental permission shall not constitute truancy if permission for such absence has been substantially obtained from the parent or guardian of said person and such permission is submitted in writing to the proper school authorities within twenty four (24) hours immediately following said absence. For Penalty see § 10.99.

- b) It is hereby made unlawful for any parent, guardian or other person having the legal care and custody of any person under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age enrolled in a public, private or parochial school, to absent himself or herself from attendance without fully complying with policies and requirement of the school district in which the child is enrolled. For Penalty see § 10.99.
- c) Each day that such person under eighteen (18) years of age absents himself or herself from attendance shall constitute a separate offense and shall be punishable as such. For Penalty see § 10.99.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication in pamphlet form and approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired whether the school district was consulted. Chief Branson acknowledged involvement with the school district, city attorney, and city administrator; and noted this ordinance was at the request of the school district.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1469, authorizing the sale of surplus real estate owned by the municipality to Jason Taylor for providing access to his property.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011-1469

**AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY
TO JASON TAYLOR**

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, the property being sold is described in the plat of survey, which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the City Council hereby makes a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, this property is a portion of an outlot on the east side of Lake Paradise that is virtually unusable for the City; and

WHEREAS, Jason Taylor has already paid to have a survey and appraisal performed on the property; and

WHEREAS, Jason Taylor has made an offer to purchase the property for \$4,300; and

WHEREAS, Jason Taylor has already purchased property from the City and needs this strip to access it; and

WHEREAS, Stanley D. Gordon of Gordon Appraisal Service, Inc. determined \$4,300 was the fair market value of the real estate as of November 3, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance

Section 2. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a Warranty Deed to the real estate described in Section 3 of this ordinance to Jason Taylor subject to a payment in the amount of \$4,300 and the payment of all fees and costs associated with this sale.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

A Part of Outlot 4 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover opened the floor for discussion or comments with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Attorney & Treasurer Owen proposed the following language to amend Ordinance 2011-5337: "This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership." to each of the three proposed sections.

Mayor Gover seconded by Commissioner Hall moved to amend Ordinance 2011-5337 to include 'This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.' to each of the three proposed sections.

Mayor Gover declared the motion to amend Ordinance 2011-5337 carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Ervin moved to approve Ordinance 2011-5337 as amended.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2011-5337

AN ORDINANCE AMENDING CHAPTER 114 OF THE MUNICIPAL CODE REGARDING LIQUOR CONTROL

WHEREAS, Chapter 114 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides for the licensing and control of the sale of alcoholic liquor within the City limits;

WHEREAS, the current ordinance is outdated and in need of updating;

WHEREAS, the City Council desires to have an additional one time fee added to certain liquor licenses;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Liquor Control. Sections §114.22 of Chapter 114 of the Code of Ordinances of the City of Mattoon are hereby amended as follows:

114.22 CLASSIFICATIONS OF LICENSES AND FEES as follows:

(A)

(1)(a) Prior to the issuance of any new Class A licenses, a \$5,000 fee shall be deposited with the City Treasurer's Office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(B)

(1)(a) Prior to the issuance of any new Class B-1 licenses, a \$5,000 fee shall be deposited with the City Treasurer's Office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

(D)

(2)(a) Prior to the issuance of any new Class D-2 licenses, a \$2,500 fee shall be deposited with the City Treasurer's Office. This fee shall be a one-time application fee payable at the time of application and only refundable if the license is ultimately denied by the City Liquor Commissioner. This fee shall not apply to a change in ownership of an entity or the transfer of a license between entities with the same ownership.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Ervin, adopted this 6th day of December, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Mayor Gover,
NAYS (Names): Commissioner Rankin
ABSENT (Names): None

Approved this 6th day of December, 2011.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2011.

Mayor Gover declared the motion to approve Ordinance 2011-5337 as amended carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR – announced tentative workshop on January 24, 2012 for the Comprehensive Plan; noted upcoming events including attendance at the IML staff luncheon, meeting with Mr. Rob Westcott to determine a date to set priorities, mid-year budget review, and coordination of Coles Together and Chamber to make available industrial and commercial real estate on our website. The floor was opened for questions of the Council and public with no responders.

ATTORNEY & TREASURER – updated Council on work on the year-to-date and projections, tax levy, Treasurer's Report, budgets; and announced the attendance of the Illinois Treasurer's Institute by Assistant Finance Director Robin Hunter for certification.

Mayor Gover opened the floor for questions from the Council and public.

CITY CLERK – noted business as usual, new snow route ordinance notifications mailed to addresses within the snow route areas, and liquor license renewals with updates to be mailed tomorrow. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS – updated Council with the completion of the Progress Square concrete by Bartels and top soil in planters for a December 19th opening date. Mayor Gover opened the floor for questions. Commissioner Hall requested how enforcement of snow routes was to be handled. Director Barber stated towing was only option to clear streets effectively on

predicted snows. For surprise snowfalls towing would not be enforced. Chief Branson noted there were no exceptions in Champaign and no exceptions to the rule would be made. Mr. Steve Ratliff suggested parking in the Depot parking lot.

COMMUNITY DEVELOPMENT – updated Council on his attendance of the Brownsfield Workshop, three houses scheduled for demolition with respect to Community Pride, property on Western Avenue, and release to Mr. Arena for demolition of his building's walls pending approval by staff. Mayor Gover opened the floor for questions from the Council and public with no responders.

FIRE – thanked the Red Shift for cleaning the south City Hall windows, announced the union delivered 170 food baskets, drivers' training, ambulance assistance with the Santa Claus ½ marathon, and attendance of the State Fire Marshall meeting. Chief Nichols further elaborated on the Fire Department assistance with an emergency landing of a cardiologist's airplane at the Coles County Airport. Mayor Gover opened the floor for questions with no responders.

POLICE –provided the Council with a comparison update from the Strategic Planning session; thanked officers and citizens who raised \$26,000 for Shop with a Cop Christmas fundraiser; and further elaborated on the Police Department's assistance with the emergency landing at the airport. Chief Branson expressed further thanks to Keith Summers who provided the cardiologist with a vehicle to transport him to his emergency. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL

Commissioners Becker, Ervin, and Hall had no further comments. Commissioner Rankin announced Santa at the Depot at 6:00 p.m. on Saturday night. Mrs. Jackie Record announced the program to start at 5:00 p.m. with music and a story for the children. Mayor Gover opened the floor for questions with no responders. Mayor Gover thanked the public for attending.

Commissioner Hall seconded by Commissioner Becker moved to adjourned at 7:29 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk